

FILED

FILED

JUL 01 2008

MAY 27 2008

CHARLES FORDJOUR

Name

37666-B6 B80

Prison Number

Kings County Jail

P. O. Box 1699

Hanford, CA 93230

Address or Place of Confinement

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIACLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
DEPUTY CLERK

MMC

CV 08

3162

E-filing

Note: If represented by an attorney, write attorney's name, address & telephone number

United States District Court

EASTERN DISTRICT OF CALIFORNIA

(1) CHARLES A. FORDJOUR

Full Name (First, Middle, Last)

Petitioner,

vs.

(2) Robert Mueller, III - Director of FBI

Name of Warden ET AL.

(or other authorized person having custody of petitioner)

(3) Allan McClain - Kings County Sheriff
and his successors and assigns.
Respondent.

ET AL. (See Attach Parties)

CASE NO. 1:08 CV 00731 AWI TAG HC

(to be supplied by the Clerk of the
United States District Court)

PRELIMINARY INJUNCTION

TRO/EMPOINMENT STATE
COURT PROCEEDINGS

PETITION FOR

WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

BY A PERSON IN FEDERAL CUSTODY

"ALL WRITS ACTS 28 U.S.C. § 1651

DECLARATORY JUDGMENT, 28 U.S.C. § 2201

ENJOIN STATE COURT PROCEEDINGS PURSUANT TO 28 USC § 2241;
PLEASE COMPLETE THE FOLLOWING (check the appropriate number):

This petition concerns:

1. _____ a conviction
2. _____ a sentence
3. _____ jail or prison conditions
4. _____ prison discipline
5. _____ a parole problem
6. PRE-TRIAL other See Herein:

CAUTION: If you are attacking a federal conviction, sentence or judgment, you must first file a direct appeal or motion under 28 U.S.C. § 2255 in the federal court which entered judgment.

Kidnapping; False Imprisonment; False Arrest; Malicious Prosecution
Vindictive Prosecution, illegal seizure, Entrapment, Conspiracy to
Commit Murder; Attempted Murder on Daily Basis, Torture, etc.

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 BY A PERSON IN FEDERAL CUSTODY

Page 1 of 5

PETITION

See: Albright v. Oliver, 4 S. 127 L. Ed. 2d, 114, 114 S. Ct. 807 (1994).

FRAP 23 (a) (b) (c) (d) - EMERGENCY RELEASE

CASE NO:

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PARTIES:

(1) CHARLES A. FORDJOUR,
petitioner,

VS.

- (2) Robert Mueller, III - Director of FBI
- (3) Allan McClain - Kings County Sheriff and its successors and assigns;
- (4) John Miller - Assistant Director of FBI
- (5) United States Department of Justice
- (6) Federal Bureau of Investigation
- (7) Fresno, FBI District Office and Agents
- (8) McGregor Scott - United States Attorney
- (9) Jerry Brown - California Attorney General
- (10) Kings County Superior Court
- (11) Kings County District Attorney's Office
- (12) Ronald L. Calhoun - Kings County District Attorney
- (13) Kings County Sheriff Department
- (14) All the way Live, SBA as XYZ Corporation and its Management and Employees 1 through 1000
- (15) All the way out Live;
- (16) James Hartley - Warden, Avenal State Prison, Avenal
- (17) Director, of California Department of Corrections and Rehabilitation (CDCR);
- (18) California Department of Corrections and Rehabilitation;
- (19) Board of Parole Hearing (BPH/CDCR)
- (20) Steven W. Polacek, - Deputy Commissioner of BPH/CDCR
- (21) Santa Clara County Sheriff Department

CAPE NO:

PAGE 1 B

PARTIES:

- (22) Laurie Smith - Sheriff, Santa Clara County
- (23) Santa Clara County District Attorney
- (24) Captain S. Sepulveda - Main Jail Commander,
Santa Clara County Sheriff Department;
- (25) Santa Clara County Superior Court;

E.T. AL.;

Respondents

CASE NO :

PAGE NO 1 C

JURISDICTION:

- (1) This Court, United States District Court, Eastern District of California has Original Jurisdiction over petition for writ of Habeas corpus and All writs Act, § 1651 et al pursuant to 28 U.S.C. § 2241; 28 USC § 2241 (C)(1)(A)(B) (4)(5);
- (2) This Court has original Jurisdiction pursuant to Federal Question under 28 USC § 1331;
- (3) This Court has Original Jurisdiction pursuant Emergency Motion for Immediate Release under FRAP 23; 28 U.S.C. § 2241;
- (4) This Court has Original Jurisdiction pursuant to Preliminary Injunction; TRO; Enjoinment of State court proceeding under Rule 65, FRCP; Rule 57, FRCP; 28 USC § 1367; 28 USC § 2201 and Hilton v. Braunskill, 481 U.S. 770, 777-778, 95 L.Ed.2d 724, 107 S.Ct. 2113 (1988).

- (1) Place of detention: Kings County Jail
- (2) Name and location of court which imposed sentence: Pre-trial Illegal Detention: - Kings County Superior Court
- (3) Offense(s) and indictment number(s) (if known) for the sentence imposed:
(1) MO Sentence imposed / Pre-trial Detention
(2) Case No 07M6047 / 07CM9015
- (4) The date the sentence was imposed and the terms of the sentence:
NOT Applicable
- (5) What was your plea (check one): N/A Not guilty (X) Guilty () Nolo contendere ()
- (6) Kind of trial (check one): N/A Jury (X) Judge only () Pre-Trial
- (7) Did you appeal from the judgment of conviction or the imposition of sentence: Yes () No (X) N/A
- (8) If you did appeal, answer the following for each appeal:

FIRST APPEAL:Name of court: N/A

Grounds raised (list each):

- 1) N/A
- 2) N/A

Result/Date of result: N/ASECOND APPEAL:Name of court: N/A

Grounds raised (list each):

- 1) N/A
- 2) N/A

Result/Date of result: N/AGROUND FOR THIS 28 U.S.C. § 2241 PETITION

- (9) State **CONCISELY** every ground on which you claim that your sentence is being executed in an illegal manner. Summarize *briefly* the facts supporting each ground

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 BY A PERSON IN FEDERAL CUSTODY

→ GROUND ONE KIDNAPPING AND FALSE ARREST IN VIOLATIONS Page 2 of 5

OF 4TH, 5TH, 6TH, 8TH and 14TH Amendments of
United States Constitution:

Supporting FACTS for GROUND ONE (tell your story BRIEFLY without citing cases or law).

CAUTION: You must state facts, not conclusions, in support of your grounds. A rule of thumb to follow is – who did exactly what to violate your rights at what time or place.

On April 09, 2008 about 6:00 AM. Respondents
Fresno FBI, FEES, FBI, USDOJ in joint participants with
Santa Clara County Sheriff Department and its Agent, including
Laurie Smith - Sheriff Santa Clara County, Captain A. Sepulveda,
Main Jail Commander of Santa Clara County Sheriff, CACR Admin,
Tamel Hentley, Warden, ASP, Avenal, California Department of Corrections
(Please See Attached Additional Pages)

→ **GROUND TWO** FALSE IMPRISONMENT IN VIOLATIONS OF
4TH, 5TH, 8TH, AND 14TH AMENDMENTS UNITED STATES CONSTITUTION

Supporting FACTS for GROUND TWO (tell your story BRIEFLY without citing cases or law).

On April 09, 2008 about 6:00 AM Respondents Fresno FBI,
FEAL, USDOJ and its Agents in joint participants with Santa
Clara County Sheriff Department and its Agents, including
Laurie Smith - Sheriff Santa Clara County, Captain A. Sepulveda,
Main Jail Commander of Santa Clara County Sheriff, CACR
Administration, Tamel Hentley - Warden, ASP, Avenal, California
(Please See Attached Additional Pages)

ADMINISTRATIVE APPEALS

- (10) N/A / (Exhaustion Not Required in this pending case)
 Have you presented the claims raised in Question #9 of this petition to prison officials in a prison administrations appeal?
 Yes (X) No () If your answer is no, explain why not: Only the Federal courts has original jurisdiction
NOT Applicable and cannot
does NOT have Authority to Address Constitutional/Legal issues
 If your answer is yes, answer the following for each administrative appeal:

FIRST ADMINISTRATIVE APPEAL

Level of appeal: 1st Level

Grounds raised (list each):

- 1) Same / Related issues (Not Applicable)
 2) Same / Related issues (Not Applicable)

Result/Date of result: Lacked Authority and Jurisdiction to Address Serious
constitutional and Legal issues

SECOND ADMINISTRATIVE APPEAL

Level of appeal: 2nd Level

Grounds raised (list each):

- 1) Same / Related issues (Not Applicable)
 2) Same / Related issues (Not Applicable)

Result/Date of result: Does not have Authority, Lacked Authority
and Jurisdiction to Address Constitutional and Legal issues

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 BY A PERSON IN FEDERAL CUSTODY

THIRD ADMINISTRATIVE APPEAL

Level of appeal: 3rd Level

Grounds raised (list each):

CASE No :

GROUND ONE

PAGE 2 A

and Rehabilitation (CSCR), Director of CSCR and its Agents acted in concert to Kidnap and Subject petitioner Fordjour to False arrest and Kidnapping at Santa Clara county Jail, Special Housing, cell Number 10 by placing petitioner under Handcuffs and Mental Shackles on his Legs, waist, and Arms and unlawfully, unconstitutionally, and Without Authority and Jurisdiction to - improperly Kidnap and Subject petitioner to illegal Seizure and False Arrest, by transporting him to North Kern State Prison / CSCR at Delano, California, by use of Force and unlawful Restraint.

On October 03, 2007, the Sixth Appellate District Court of Appeals Remanded and Over-turned petitioner's criminal case # 197498 in Santa Clara county Superior Court. Petitioner was in Santa Clara county Jail on Active Calendar Based on the Sixth Appellate District Court of Appeal Judgment Reversed and Remand. Petitioner was Released on his own Recognizance on March 27, 2008 on the Santa Clara county case # 197498 by the Santa Clara county Superior Court. (See EXHIBIT 1 - Remittitur).

CASE NO:

GROUND ONE:

PAGE: 2 B

Factual Background, on December 17, 2006 petitioner was set-up and unlawfully arrested for parole violation and placed in CDCR custody. This case is currently on Appeal in United States District Court,

Northern District of California in Case Number CV 07-02111 MMC. Respondents acted in concert and joint participants on the set-up and Entrapment, with Respondents All the way Live.

On February 21, 2007 petitioner was returned to custody by the Board of Parole Hearing (BPH) for 12 months. While petitioner was in CDCR/APP, Arenal his original case upon which the alleged parole - Revocation was based was vacated and set aside on October 03, 2007. (See Exhibit 1 - Remittitur) petitioner was entitled to mandatory Release from CDCR/APP, Arenal on December 17, 2007. (See Exhibit 2 - Notice of Release).

Respondents CDCR Administration and its Agents conspired to Murder/Kill petitioner while in their custody since from March 2007 through to the present, in violations of 8th and 14th Amendments of U.S. Constitution. On November 02, 2007 Respondents CDCR Administration and its Agents fabricated allegations for DA referral and parole Revocation Extension to keep petitioner in custody to continue their illegal attempts to Murder/Kill him.

CASE NO:

GROUNDS ONE:

PAGE: 2 C

Petitioner was Never transported to the Santa Clara County Superior Court on schedule as mandated by the Superior Court Order on the Remand from Sixth Appellate District Court. Petitioner was later transported on January 18, 2008.

Petitioner was not Released on his Mandatory Release date of December 17, 2007, by Respondents CSCR/APP. Arenal Administration. Petitioner was unlawfully subjected to illegal parole Revocation Extension on January 04, 2008 in violations of Valdivia v. Schwarzenegger, (E.D. Cal. March 9, 2004, CIV S-94-0671 LKK/GGH) permanent Injunction; Valdivia v. Davis, (E.D. Cal. 2002) 206 F. Supp. 2d 1068; See also In re Vincent Marquez, 153 Cal. App. 4th 1; 62 Cal. Rptr. 3d 429 (July 10, 2007); See also In re Vincent Marquez, 2007 Cal. App. Lexis 1298 (April 09, 2007).

Petitioner Fordjour's parole Revocation - Extension Return to custody which was illegal and unconstitutional expired on December 07, 2007 for violations of Valdivia Injunction and on or before - March 17, 2008.

All Respondents Lacked Authority, Jurisdiction Statutory and constitutional to Kidnap, False Arrest and Restrain petitioner on April 09, 2008 in violations of 4th, 5th, 6th, 8th and 14th Amendments U.S. Constitution.

CASE N^oGROUND TWO:

PAGE 3 A

Department of corrections and Rehabilitation (CDCR), Director of CDCR and its Agents acted in concert to forcibly Kidnap and Subject petitioner Fordjan to False Arrest and Kidnapping from Santa Clara County Jail, Special Housing, Cell Number 10 by placing petitioner under Handcuffs, Mental Shackles on his Legs, Waist and Arms without Authorization, and Jurisdiction and constitutioning False Imprisonment.

On April 09, 2008 Respondents Forcibly Kidnap and Subject petitioner to False Arrest and False imprisonment and transported him - illegally and unlawfully to North Kern State Prison at Delano, California. petitioner was held in Respondents CDCR custody from April 09, 2008 through April 14, 2008. On April 14, 2008 petitioner was transported Again Forcibly by Respondents CDCR and its Agents in Joint participants with Federal Respondents to Araval State prison, Araval, California. petitioner was Subject to False Imprisonment, False Arrest, Kidnapping at All times by Respondents CDCR and its Agents, James Hartley - warden, ASP, Araval in Joint participants with Federal Respondents and held in Administrative Segregation until April 15, 2008 about 11:00 A.M in the Morning. Further petitioner was Forcibly removed from ASP, Araval to Kings County

CASE NO

GROUP TWO

PAGE 3 B

Tail by CCR Officers J. Price and J. Cerda. At All times, petitioner was subjected to False imprisonment due to the fact that All Respondents of CCR, Federal Respondents and Kings County Respondents Lacked Subject Matter Jurisdiction and Authority to hold and detain petitioner in custody for Any Reason or purpose in violation of his Constitutional Rights pursuant to 4th, 5th, 6th, 8th and 14th Amendments of the United States Constitution.

As a Matter of Law, petitioner's was - entitled to Mandatory Release on December 17, 2007 on allege illegal parole Revocation. (See Exhibit 2). In Addition, my allege illegal parole Revocation Extension violated Valdivia Injunction on December 07, 2007 and for Arguendo, petitioner was still entitled to Mandatory Release on or before March 17, 2008 on any illegal parole Revocation Extension. All - Respondents of CCR, Federal Respondents and Kings County Sheriff Department has NO Authority, Lacked Jurisdiction and Subject Matter Authority to Subject petitioner to False Imprisonment and Kidnapping.

On April 15, 2008 about 1:00 p.m. or thereafter, petitioner was unlawfully, illegally, improperly, subjected to False Imprisonment, Kidnapping and False Arrest in Kings County Jail without -

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GROUND TWO

PAGE 3 C

a Warrant or Summons, without complying with the Statutory provisions of 813 P.C. through 829 P.C. of California Penal Code and violations of petitioner's Substantial and Procedural due process of Law - under 4th, 5th, 6th, 8th and 14th Amendments of the United States Constitution.

At All times Respondents Sheriff Allen McLain and its Sullerhus and Attorney, Kings County Sheriff Department, CDCR Administration were in joint participants to Federal Respondents Fresno FBI, FARS, FBI, USDOJ and its Agents in Subjecting petitioner in False Imprisonment, Kidnapping and False Arrest. On December 20, 2007, any alleged B-A Referral from Respondents CDCR to Respondents Kings County District Attorney and Kings County Sheriff was vacated, and set aside by the Kings County Superior Court, in case number 07M0043 /and or 07CM9015.

Respondents CDCR Administration were in concert and joint participants with Kings County District - Attorney's Office to have petitioner Murdered / Killed by Subjecting False Imprisonment, Kidnapping and False Arrest even though Respondents know that petitioner is innocent and a Victim in this case, constituting Entrapment and obstruction of Justice.

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GROUND THREE:

PAGE 1

UNLAWFUL DEPRIVATION AND PROHIBITION AGAINST
EXCESSIVE BAIL IN VIOLATIONS OF 8TH;
AND 14TH AMENDMENTS OF UNITED STATES
CONSTITUTION:

Legal Standard: Serious Legal Issues and Questions
are Review *De novo*. See *Hilton v. Braunskill*, 481
U.S. 770, 777-778, 95 L.Ed.2d 724, 107 S.Ct. 2113 (1987);
Stack v. Boyle, 342 U.S. 1, 96 L.Ed. 3, 72 S.Ct. (1951)
(Interest in avoiding imprisonment; Excessive Bail clause,
U.S. Constitution, 8th Amendment); *Abney v. United
States*, 431 U.S. 651, 52 L.Ed.2d 651, 97 S.Ct.
2034 (1977) (Interest in avoiding trial; Double Jeopardy
clause, U.S. Constitution, Amendment 5); *Bell v. Wolfish*,
441 U.S. 522, 535, 60 L.Ed.2d 447, 99 S.Ct. 1861 (1979)
[A] detainee may not be punished prior to an adjudication
of guilt in accordance with the process of Law); See also
Brown v. Allen, 344 U.S. 443, 465, 97 L.Ed. 469, 73
S.Ct. 397 (1953) (protection against illegal custody); See
Preiser v. Rodriguez, 411 U.S. 475, 494, 36 L.Ed.2d
439, 93 S.Ct. 1827 (1973); *Marino v. Vazquez*, (9th Cir. 1987),
812 F.2d 499. See FRAP 23 (a) (b) (c) (d);
The District Court's decision to grant a conditional
writ of Habeas Corpus is reviewed de novo. See *Chy
Weygandt v. Bucharme*, 774 F.2d 1491, 1492
(9th Cir. 1985); *Chetman v. Marquez*, 754 F.2d 1531,
1533-35 (9th Cir.) Cert. denied, 474 U.S. 841, 106 S.Ct. 124,
88 L. Ed.2d 101 (1985); See other cases

Case H^o:GROUND THREE

PAGE: 2

The Federal courts authority to release a State Prisoner on recognizance or surety in the course of a Habeas Corpus proceedings derives from the power to issue the writ itself. See Ostrow v. United States, 584 F.2d 594 (2d Cir. 1978); In re Wainwright, 518 F.2d 173, 175 (5th Cir. 1975); United States ex. rel. Thomas v. New Jersey, 472 F.2d 735 (3d Cir.) cert. denied, 414 U.S. 878, 94 S.Ct. 121, 38 L.Ed. 123 (1973); Woodcock v. Donnelly, 470 F.2d 93, 94 (1st Cir. 1972); See also 28 U.S.C. § 2241; FRAP 23;

SERIOUS LEGAL ISSUES:

On April 15, 2008 Respondents Federal, Fresno FBI, USDOJ, FBI and its Agents in joint participants with Respondents All the way Live and its Agents, All the way out Live, Respondents Cack Administration and its Agents Cack Officer D. Price and D. Cerda acted in concert and in conspiracy with Respondents Kings County Sheriff Department and its Agents and Respondents Kings County District Attorney's Office to illegally, unlawfully and unconstitutionally subject petitioner to False imprisonment, Kidnapping, False arrest, illegal seizure without a warrant or summons and in violations of 4th, 5th, 8th and 14th Amendments of

CASE N°

GROUND THREE

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The United States Constitution. Respondents Lacked Authority and Jurisdiction to detain petitioner in illegal and improper pre-trial custody on April 15, 2008 to the present on allege Kings county Case Number 07M0043 and or 07CM9015 which was vacated and Set Aside on December 20, 2007.

Respondents CCR Administration acted in concert with Respondents Kings county District Attorney's Office to fabricate and file false allegations on December 13, 2007 to illegally hold petitioner in custody so that he can be murdered/killed prior to his Release and continuously to the present. Respondents CCR Administration and its Agents in joint participants with Respondents Kings county District Attorney's Office and its Agents and in joint participants with Respondents Kings county Sheriff Department and in joint participants with Federal Respondents have subjected petitioner to False Imprisonment, Kidnapping, Entrapment, False Arrest, Illegal Seizure and vindictive prosecution. On April 15, 2008 petitioner was deprived of All his Legal Materials in violations of Access to the Court, violations of his First Amendment and Substantial and procedural due process

Case No:

GROUND THREE (3)

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of Law and Equal protection of the Law. See Bonds v. Smith, supra; See (Exhibit 3 - Declaration of CHADLER FORKADUR)

Further, petitioner has been deprived of all his Relevant and Critical Records and Evidence for Trial proceedings in State court and the Respondents Kings County Superior court, Kings County District - Attorney office and its Agents including Respondents Kings County Sheriff Department and its Agents are unduly influence by Federal Respondents to Obstruct Justice and Entrapment.

For the Record, the Kings County Felony Bail schedule for the False and Fabricated Allegations of 4501.5 P.C. is \$25,000 and 69 P.C. is \$15,000 with a combine Total of \$40,000. Petitioner's Bail is Now set at \$100,000 is clearly excessive and - prohibited in violation of 8th Amendment of the United States Constitution where petitioner is Innocent and the Victim in this False Allegations. The sole purpose of this False Allegations by Respondents is to commit premeditated Murder Against petitioner in Respondents CACR Administration custody.

Petitioner is Indigent, Innocent and a Victim and is entitled to Release on his own Recognizance. See Hudson v. Parker, 156 U.S. 277, 285, 39 L.Ed. 424, 426, 15 S.Ct. 450 (1895) (This traditional Right to freedom before conviction permits the unhampered preparation of a defense, and serves to protect the individual from punishment prior to conviction).

Case No

Grounds Four (4)

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Ground # 4:

MALICIOUS PROSECUTION AND BAD FAITH PROSECUTION IN VIOLATIONS OF 4TH, 5th, 6th 8th and 14th Amendments of United States Constitution:

Legal Standard: Serious Legal questions on Malicious Prosecution, which leads to pre-trial confinement and review by de novo pursuant to Fourth Amendment's protection against unlawful searches and seizures. See Albright v. Oliver, U.S., 127 L.Ed.2d 114, 114 S.Ct. 807 (1994); See Sanders v. English, 950 F.2d 1152 (5th Cir. 1992); See Bretz v. Kelman, 773 F.2d 1026 (9th Cir 1985); Cerbone v. Conway, 479 U.S. 84, 107 S.Ct. 390, 93 L.Ed.2d 325 (1986); See also other cases: As a matter of Law, Bad Faith Prosecution, violates constitutional Rights. See Sombrowski v. Pfister, 380 U.S. 479, 490, 14 L.Ed.2d 22, 85 S.Ct. 1116 (1965); See Shaw v. Garrison, 467 F.2d 113 (5th Cir.) cert. denied, 409 U.S. 1024, 34 L.Ed.2d 317, 93 S.Ct. 467 (1972). State actors and Federal actors in joint participation with prosecutors for Malicious Prosecution are liable. See Wheeler v. Corden Oil and Chemical Co, 734 F.2d 254 (5th Cir.), modified on reh'g on other grounds, 744 F.2d 1131, 1133 (5th Cir. 1984)

CASE #2

GROUND FOUR (4)

PAGE: 6

The probable cause for the indictment must not be tainted by Malicious actions. See Hend v. Gery, 838 F2d 1420, 1426 (5th Cir. 1988).

SERIOUS LEGAL ISSUES on Malicious Prosecution and Bad Faith Prosecution:

Respondents CCR Administration have Repeatedly since March 2007 to the present have attempted on regular basis to have petitioner Kill or murdered in violation of his Eighth Amendment of the United States constitution which at San Quentin State prison and Avenal State prison.

Since from July 11, 2007 to the present Respondents James Hartley, Warden, APP, Avenal, Associate Warden Watson, APP, Avenal, CCR Administration and its Agents conspired to have petitioner Killed or murdered. As part of this plot on November 02, 2007 Respondents CCR Administration and its Agents - Sgt Murgalis and Lt Michael & Beer issued-out lock-up orders and its updates to have petitioner Murdered/Killed. These Respondents on November 02, 2007 Fabricated and falsify Allegations to Respondents Kings County District Attorney's Office and Respondent Deputy District Attorney Ty Ford who filed these

CASE NO: GROUND FOUR (4)

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False and Fabricated Allegation on December 13, 2007 with evil mind, malicious intent and in Bad Faith prosecution, Knowing that petitioner is a Victim and Innocent and that All the Allege allegations are False and Fabricated. Respondents CDCR Administration, and its Agents including Counselor Martinez, James Hartley, Warden, Associate Warden Weaton, Linda Ochoa, CDCR Sgt Margolis, CDCR Lt Michael D. Beers and all their Joint participants conspired with Respondents Deputy District Attorney Ty Ford to file said False Allegation to keep petitioner in custody in order to murder or kill him in CDCR Custody.

For the Record, on December 27, 2007 Court Hearing in Kings County Superior Court Department # 3 at Hanford, California - Respondents Deputy Kings County District Attorney Ty Ford stated in open court that petitioner should be poisoned and sent Home to die or to falsify the records that he is Inocent and Mentally ill and kept in Maxa Apylum indefinitely. For the Record, these conversations were made

CASE NO:

GROUND FOUR (4)

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in the presence of other witnesses, the Bailiff of the Superior court, the Court Reporter, my Assigned or Appointed Counsel, and Two (2) Respondents CCR agents who transported petitioner to court on December 27, 2007 from Araval State Prison. Denial of Right to a Fair Trial.

The communications were Video Recorded until petitioner was abruptly remove from the court room to prevent him from hearing any further illegal plots and the conspiracy to Murder / Kill him. The Federal Respondents are in possession of the Video communications and recordings through Fresno FBI, FBI, Federals, and the USDOJ.

Respondents Deputy Kings County District Attorney, Ty Ford, Kings County District Attorney's Office and its Agents including joint participants Respondents All the way Live, and its Agents, All the way out Live, and Respondents CCR Administration and its Agents in joint participants with Federal Respondents know that petitioner is a victim and Innocent yet these Bad Faith prosecutions and malicious prosecutions in violations of 4th, 5th, 6th, 8th and 14th Amendments of U.S Constitution. This District Court must enjoin the State Court proceedings and issue a court order for petitioner's Release.

CASE NO: GROUND FIVE (5)

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in violations of 4th, 5th, 6th, 8th and 14th Amendments of the United States Constitution by Falsifying Records, Allegations, Fabrication of Evidence, Destroying Evidence, inducing Entrapment, Tampering with Evidence, Tampering with Witnesses, Intimidation, Coercion, Threats, including conspiring with other Joint - Participants Respondents to deprive petitioner of his Constitutional Rights, Liberty and Freedom, imposing Substantial Duress and Oppression on continuous Basis.

petitioner Unlawfully detained as pre-trial detainee in violations of his Substantive and procedural due process of Law and Equal protection of the Law to his Freedom and Liberty before Trial and his Right to a Fair Hearing and Court proceedings. Petitioner is Innocent, Actual Innocent and a Victim in this pending False and Fabricated Allegations by Respondents CBK Administration, ASP, Arenal, and its Agents on Respondents Kings County District Attorney and its Agents. Petitioner seeks his Immediate Release and the District Court must enjoin All State Court proceedings and Hold Evidentiary Hearings in this Case.

CASE N^o:GROUND SIX (6)

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Ground # 6: UNLAWFUL AND UNCONSTITUTIONAL DEPRIVATION OF CRITICAL AND RELEVANT EVIDENCE, RECORDS, VIDEO RECORDINGS, COMMUNICATIONS SHOWING AND PROVING PETITIONER'S ACTUAL INNOCENCE AND A VICTIM BEYOND A REASONABLE DOUBT PRECLUDING PETITIONER'S UNLAWFUL RESTRAINT IN VIOLATIONS OF 4TH, 5TH, 6TH, 8TH and 14TH AMENDMENTS OF UNITED STATES CONSTITUTION:

Petitioner stipulates for the Record, that Respondents Fresno FBI, FBI, FEDS, USBOT and its Agents in joint participation with Respondents All the way Live and its Management and Employees and Agents, All the way out Live and Respondents CDCR Administration are in possession critical and relevant Evidence, Records, Video Recordings, communications showing and proving petitioner's actual Innocence and a victim beyond a reasonable doubt since from July 11, 2007 at Avenal State Prison through April 15, 2008 inclusive to the present. Petitioner's Hearing Aids are Video Camera/Bluetooth.

For the Record, the most critical period of the allege False and Fabricated Allegations is from October 15, 2007 through January 18, 2008. The Records and Evidence will show continuous Attempted Murder on petitioner's life on daily basis, Attempted premeditated Murder by Respondents CDCR Administration and its Agents. The events on November 01, 2007 through November 02, 2007 on APP - Avenal, Facility IV Evidence and Video communications will show and prove that petitioner is Actually Innocent and a victim in this False Allegation. The Failure of above Respondents to provide said critical Evidence and Video Recordings will greatly obstruct Justice, deny petitioner of a Fair Trial and violate petitioner's rights under 4th, 5th, 6th, 8th and 14th Amendments U.S. Constitution.

CASE NO

Grounds Seven (7)

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Ground # 7: ILLEGAL SEIZURE AND FALSE ARREST IN VIOLATIONS OF 4TH, 5TH, 8TH, AND 14TH AMENDMENTS OF THE UNITED STATES CONSTITUTION:

LEGAL STANDARDS: Serious Legal Questions including Questions of Law are Review by de novo. See Hilton v. Braunskill, 481 U.S. 770, 107 S.Ct. 2113; Brown v. Allen, 344 U.S. 443, 465 73 S.Ct. 397, 411, 97 L.Ed. 469 (1953) ("protection against illegal custody in Habeas corpus proceedings"); Preiser v. Rodriguez, 411 U.S. 475, 485-486, 93 S.Ct. 1827, 1833-1834, 36 L.Ed.2d 439 (1973); United States v. Meff, 41 F.3d 1281, 1282 (9th Cir. 1994) ("Fed. R. App. P. 23 governs the issue of the release or detention of a prisoner, state, or Federal, who is collaterally attacking his or her criminal conviction"); Marino v. Vasquez, 812 F.2d 499, 508, (9th Cir. 1987); Mapp v. Reno, 241 F.3d 221, 224-25, (2d Cir. 2001); See also FRAP 23 (a)(b)(c)(d);

Substantive Due PROCESS OF LAW:

"The Concept of Substantive Due process of Law forbids the government from depriving a person of Life, Liberty, or property in such a way that shocks the conscience or interferes with Rights implicit in the concept of ordered liberty." See Munex v. City of Los Angeles, 147 F.3d 867, 871 (9th Cir. 1998);

CASE #:

GROUND SEVEN (7)

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"The Procedural Due Process of Law protects against the deprivation of Liberty without due process of Law". See Cady Wilkinson v. Austin, 545 U.S. 209, 221, 125 S.Ct. 2384, 2393 (2005). In order to invoke the protection of the due process clause, petitioner must first establish the existence of a interest for which the protection is sought. Id. Liberty interests may arise from the

"Due Process clause" it self or from State Law. Id.;

"The due process clause takes effect only if there is a deprivation of a protected interest." See Nunez v. City of Los Angeles, 147 F.3d 867, 871 (9th Cir. 1998);

See also "The Eight Amendment's prohibition against cruel and unusual punishment protects prisoners not only from inhumane methods of punishment but also from inhumane conditions of confinement." See Morgan v. Morgan, 465 F.3d 1041, 1045 (9th Cir. 2006);

Hudson v. McMillian, 503 U.S. 1, 8, 112 S.Ct. 995 (1992)

In this instant case, petitioner's Rights here are substantive and must be derive from the United States constitution and statutory provisions. petitioner Fordjour has substantial and procedural due process of Law, Equal protection of the Law and Liberty Interest to be free from illegal

CASE NO

GROUND SEVEN (7)

PAGE: 14

and unconstitutional confinement or physical restraint on allege Respondents Kings County Superior Court proceedings, Kings County District Attorney's Office and its Agents in joint participants with Respondents CCR Administration and its Agents from Arenal State Prison, Respondents James Hartley, -warden, CCR Agent Sgt Murgahy, Lt. Michael S. Beers, CCR Agent Bruce Davi, CCR Agent Staebler and in joint participants with Federal Respondents from Mayal and Unlawful Seizure, and Respondents All the way Live.

Petitioner incorporates in full detail the factual background and allegations set forth in Ground one of this petition inclusive. Petitioner was subject to illegal seizure, false arrest, false imprisonment, kidnapping, entrapment, and so forth all in - violation of 4th, 5th, 6th, 8th and 14th Amendments of the United States Constitution since from his illegal and forcibly illegal seizure from April 09, 2008 to the present from Santa Clara County Jail - through CCR/ASP, Arenal and then to Respondents Kings County Sheriff Department on April 15, 2008 to the present inclusive. Said illegal search and seizure violated petitioner's substantial due process of law and his rights to be free from unconstitutional confinements. This Court must order petitioner's immediate release on O.R.; including Holding Evidentiary Hearing on all issues.

1) Same / Related issues : (N/A)
 2) Same / Related issues : (N/A)
 Result/Date of result: Lacked Authority and Jurisdiction to Address Serious Legal questions, constitutional and legal issues
FOURTH ADMINISTRATIVE APPEAL Level of appeal: N/A
 Grounds raised (list each):
 1) N/A
 2) N/A
 Result/Date of result: N/A

- (11) Is the grievance process completed? Yes (X) No ()

PREVIOUS PETITIONS

- (12) Have you filed previous petitions for habeas corpus under 28 U.S.C. § 2241 or 28 U.S.C. § 2255, or any other applications, petitions or motions with respect to the claims raised in Question #9 of this petition?

Yes () No (X)

- (13) If your answer to Question #12 was yes, give the following information for *each* previous petition:

FIRST PREVIOUS PETITION

Name of court: N/A
 Nature of proceeding: _____
 Grounds raised (list each):
 1) N/A
 2) _____
 Result/Date of result: _____

SECOND PREVIOUS PETITION

Name of court: N/A
 Nature of proceeding: _____
 Grounds raised (list each):
 1) N/A
 2) N/A
 Result/Date of result: N/A

- (14) If the claims raised in Question #9 of this petition concern your conviction or sentence, explain why you are filing your petition pursuant to § 2241 instead of § 2255.

28 USC § 2241 is appropriate remedy for pre-trial detention
This petition concerns pre-trial detention,
enjoinment of state court proceedings in violation
of substantial and procedural due process of law and
Equal protection of the law. Several legal questions and
issues on Kidnapping, False Imprisonment, False Arrest,
Mahabow prosecution, vindictive prosecution, illegal seizure, Entrapment,

Conspiracy to commit Murder, Attempted Murder on false basis, Torture etc

See 28 U.S.C. § 2241 (1) (2) (3) (4) (5).
 PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 BY A PERSON IN FEDERAL CUSTODY

Page 4 of 5

- (15) Are you presently represented by counsel?

Yes () No (X)

If so, provide your attorney's name, address, and telephone number: N/A
Requesting Appointment of Counsel Pursuant to
18 U.S.C. § 3006A and Appellate Statute

- (16) If you are seeking leave to proceed *in forma pauperis*, have you completed the application setting forth the required information?

Yes (X) No ()

Note: If your answer is no, you must send a \$5.00 filing fee to the court with your petition.

Application for In forma pauperis
Attached / Submitted Herein
I am Indigent and I am entitled to
Redress and Relief, on Emergency Basis.

IN GOOD FAITH AND IN THE INTEREST OF JUSTICE THE COURT SHOULD
GRANT PETITIONER O.R. RELEASE PURSUANT TO FRAP 23 AND
28 U.S.C. § 2241; AND HOLD EVIDENTIARY HEARING PROCEEDINGS.
 WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this
 proceeding, INCLUDING ISSUING WRIT PURSUANT TO FRAP 23(a)(6)(E)(G) for
his Emergency Release; (2) Enjoin State Court proceedings; (3) Grant
TRO / Preliminary Injunction; (4) All writs Act § 1651; (5) Declaratory Judgment
 I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

MAY 21, 2008
 (Date)

Charles Forstour
 (Signature of Attorney, if any)

CHARLES FORSTOUR - Petitioner
in pro per

Charles Forstour
 (Signature of Petitioner)
CHARLES FORSTOUR - PETITIONER
IN PRO PER

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

DISPOSITION

The judgment is reversed with instructions to permit defendant to present his motion to withdraw his plea in propria persona. If that motion is denied, the judgment shall be reinstated. If it is granted, the court shall permit defendant to withdraw his plea and proceed as if the plea had not been entered.

ORIGINAL

Office of the County Clerk
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

FILED

DEC 06 2007

RE: THE PEOPLE,
Plaintiff and Respondent,
v.
CHARLES ASARE FORDJOUR,
Defendant and Appellant.

KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY M. McCormic DEPUTY

H030466
Santa Clara County No. 197498

** REMITTITUR **

I, MICHAEL J. YERLY, Clerk of the Court of Appeal of the State of California, for the Sixth Appellate District, do hereby certify that the attached is a true and correct copy of the original opinion or decision entered in the above-entitled cause on October 03, 2007, and that this decision has now become final.

Costs are not awarded in this proceeding

Witness my hand and the seal of the Court affixed at my office on DEC - 4 2007

MICHAEL J. YERLY, Clerk

By:

L. BROOKS
Deputy

Receipt of the original remittitur in the above case is hereby acknowledged.

Dated:

County Clerk

By:

Deputy

EXHIBIT 1

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

ORIGINAL

Office of the County Clerk
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

DISPOSITION

The judgment is reversed and the matter is remanded with directions to hold a hearing on defendant's *Marsden* motion concerning Attorney Owens. If defendant makes a prima facie showing of ineffective assistance of counsel in connection with the matters entrusted to Ms. Owens, the court shall appoint new counsel to assist him for this purpose. If he fails to make the requisite showing, the court shall reinstate the judgment.

FILED

JUN 19 2006

RE: THE PEOPLE,
Plaintiff and Respondent,
v.
CHARLES PJARE FORDJOUR,
Defendant and Appellant.
H027293
Santa Clara County No. 197498

KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of CA, County of Santa Clara
BY R. GIVENS DEPUTY

* * REMITTITUR * *

I, MICHAEL J. YERLY, Clerk of the Court of Appeal of the State of California, for the Sixth Appellate District, do hereby certify that the attached is a true and correct copy of the original opinion or decision entered in the above-entitled cause on February 9, 2006, and that this decision has now become final.

Costs are not awarded in this proceeding

Witness my hand and the seal of the Court affixed at my office on

JUN 16 2006

MICHAEL J. YERLY, Clerk

By:

Beth Miller

Deputy

Receipt of the original remittitur in the above case is hereby acknowledged.

Dated:

County Clerk

By:

Deputy

Exhibit 1A

**ABSTRACT OF JUDGMENT – PRISON COMMITMENT – DETERMINATE
SINGLE, CONCURRENT OR FULL-TERM CONSECUTIVE COUNT FORM**
[Not to be used for multiple count convictions or for 1/3 consecutive sentences.]

CR-290.1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA		
BRANCH OR JUDICIAL DISTRICT HOJ		
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: CHARLES ASARE FORDJOUR AKA: Charles Pjare Fordjour C/M: BOOKING INFORMATION: PFN DMM637 CEN: 96529805	DOB: 09-18-64	CASE NUMBER 197498
<input type="checkbox"/> NOT PRESENT		
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT <input type="checkbox"/> AMENDED ABSTRACT		
DATE OF HEARING 03-18-2004	DEPT. NO. 31	JUDGE KEVIN J. MURPHY
CLERK P. COOPER	REPORTER T. HOLLAND	PROBATION NUMBER OR PROBATION OFFICER D. KILMER
COUNSEL FOR PEOPLE D. BOYD <input type="checkbox"/> State Attorney General		COUNSEL FOR DEFENDANT <input checked="" type="checkbox"/> APPTD. T. TERRY FOR OWENS AND B. KOLLER FOR SENTENCE.

1. Defendant was convicted of the commission of the following felony:

CNT.	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (Month/Date/Year)	CONVICTED BY			TERM L, M, U	TIME IMPOSED	
						Jury	Court	Plea		YRS.	MOS.
1	PC	532	Obtaining Money, Property or Labor by False Pretenses	1996	09-22-97			X	U	3	0

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENTS.

COUNT	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTION OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST ANY STRICKEN ENHANCEMENTS.

ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

4. ☐ Defendant was sentenced pursuant to PC 667 (b)-(i) or PC 1170.12 (two-strikes).

5. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):

Restitution Fine of: \$_____ per PC 1202.4(b) forthwith per PC 2085.5; \$_____ per PC 1202.45 suspended unless parole is revoked.

Restitution per PC 1202.4(f): ☒ 22,144 / ☐ Amount to be determined to: ☐ victim(s) ☐ Restitution Fund

(*List victim name(s) if known and amount breakdown in item 7, below.)

Fine(s) [PA included]: \$_____ per PC 1202.5. \$_____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ CC ☐ CSLab Fee \$_____ per HS 11372.5(a) for counts _____. ☐ Drug Program Fee of \$150+ PA_____ per HS 11372.7(a).6. TESTING: a. ☐ AIDS pursuant to PC 1202.1 b. ☐ DNA pursuant to PC 296 c. ☐ other (specify):

Other orders (specify): PROBATION DENIED. 1706CCP COURT FINDS NOT TIMELY. ADV OF 3 YEARS PAROLE/APPEAL RIGHTS.

Restitution: Victim: Toshiba.

8. TOTAL TIME IMPOSED excluding county jail term: 3 09. ☐ This sentence is to run concurrent with (specify):

10. Execution of sentence imposed

a. ☒ at initial sentencing hearing.d. ☐ at resentencing per recall of commitment. (PC 1170(d).)b. ☐ at resentencing per decision on appeal.e. ☐ other (specify):c. ☐ after revocation of probation.11. DATE SENTENCE PRONOUNCED: **03-18-2004** CREDIT FOR TIME SPENT IN CUSTODY: **499** TOTAL DAYS INCLUDING: **4019** ACTUAL LOCAL TIME: **333** LOCAL CONDUCT CREDITS: **166** ☒ 4019 ☐ 2933.1 SERVED TIME IN STATE INSTITUTION (number of days) ☐ DMH ☐ CDC ☐ CRC12. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.To be delivered to: ☒ reception center designated by Director, California Department of Corrections.☐ Other (specify):

CLERK OF THE COURT: I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE Catalina Lira-Nevius <i>Catalina Lira-Nevius</i>	DATE March 19, 2004
---	-------------------------------

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for determinate sentences. Attachments may be used but must be referred to in this document.

Form Adopted for Mandatory Use

**ABSTRACT OF JUDGMENT – PRISON COMMITMENT – DETERMINATE
SINGLE, CONCURRENT, OR FULL-TERM CONSECUTIVE COUNT FORM**

Penal Code

§§ 1170, 1213, 1213.5

Judicial Council of California

CR-290.1 [Rev. January 1, 2003]

EXHIBIT 1B

464

VIOLATION DATE
01/22/1996

NEXT APPEARANCE

PLEA Conditions: ☐ None ☐ No State Prison ☐ PC17 after 1 Yr Prob ☐ Includes VOP ☐ Add to Cal
☐ Jail / Prison Term of Δ renews his request for a Black writing Pers- Denied
☐ Dismissal / Striking ☐ Subm time of Sent ☐ Harvey Stip.

JAIL/PRISON		<input type="checkbox"/> See Attachm't Pg for Add'l Orders, Charges, PC1385 Reasons		Request for Supplies - <i>Granted</i>		County Jail	
Count	F/M	Violation	Prison Term / Yrs	Enhancement / Priors	Yrs / Std / Strkn	HRS / DAYS / MOS	

Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Total
2001-2002	1	2002-2003	1	2003-2004	1	2004-2005	1	2005-2006	1	5

☒ REMANDED-BAIL \$ ☒ NO BAIL ☐ COMMITTED ☒ RELEASED ☐ OR ☐ SORP ☐ DOC TO CONTACT JAC FOR ASSMT ☐ P36
☐ AS COND OF SORP ☐ BAIL INCREASED / REDUCED ☐ TO PRGM AS REC BY JAC-DOC TO TRANSPORT FOR BALANCE OF JAIL. ☐ UPON AVAIL BED

STATE OF CALIFORNIA
NOTICE OF RELEASE
 CDC 863 (Rev 07/04)

DEPARTMENT OF CORRECTIONS

NOTICE OF RELEASE

TO:

SANTA CLARA COUNTY D.A.
 SANTA CLARA COUNTY S/O
 CONTRA COSTA COUNTY D.A.
 CONTRA COSTA COUNTY P.D.
 PINOLE POLICE DEPARTMENT

FROM:

AVENAL STATE PRISON
 P O BOX 8
 AVENAL, CA 93204

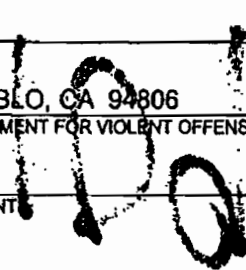
The below identified inmate/parole violator is scheduled for release to parole. This notification is provided pursuant to Penal Code Section:

☐ 3058.6☐ 3058.9☐ 3058.61☒ 3060.6
(see attached)☐ 290

If you have any questions regarding this notification or wish to make written comments regarding this release, please contact the Regional Parole Administrator:

PAROLE ADMINISTRATOR	LYNDA D. WARD PAROLE & COMMUNITY SERVICES DIVISION
ADDRESS	REGION 2 1515 CLAY STREET, 10TH FLOOR
CITY	OAKLAND, CA 94612
TELEPHONE NUMBER	510-622-4701

Comments will be reviewed and if necessary, appropriate action will be taken. You shall be advised of any decision.

INMATE/PAROLEE NAME				CDC NUMBER	
FORDJOUR, CHARLES				V28028	
DATE OF RELEASE		DATE OF BIRTH		SID/CIT NUMBER	
12-17-07		09-18-61		A08118829	
<small>The date may change by 1-2 days pursuant to PC 3060.7</small>					
STREET ADDRESS AND CITY (if the proposed residence is known)				TELEPHONE NUMBER (if known)	
UNDETERMINED				UNDETERMINED	
PAROLE UNIT AND STREET ADDRESS INCLUDING CITY					
RICHMOND 2555 EL PORTAL DRIVE, STE. B SAN PABLO, CA 94806					
REGISTRATION REQUIREMENT:			COUNTY OF COMMITMENT FOR VIOLENT OFFENSE		CASE NUMBER & OFFENSE
<input type="checkbox"/> PC 280 <input type="checkbox"/> H&S 11590 <input type="checkbox"/> PC 457.1					SEE ATTACHED
Height/PC290	Weight/PC290	Eye Color/PC290	Hair Color/PC290	COMMENT	
602	210	BRO	BLK		
NOTICE COMPLETED BY			TITLE		DATE COMPLETED
A. M. CHAMPION			OFFICE ASSISTANT (T)		12-11-2007
FACILITY / REGION					TELEPHONE NUMBER
Avenal State Prison / Region I					(559) 386-0587

DISTRIBUTION:
 ORIGINAL - ADDRESSEE
 CANARY - CENTRAL FILE
 PINK - INMATE/PAROLE VIOLATOR
 GOLD - DOJ FOR PC 280 ONLY

EXHIBIT 2

1 Charles Fordjour
2 08004258
3 Santa Clara County Jail
4 885 North San Pedro Street
5 San Jose, CA 95110

6 PETITIONER IN PRO PER

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF KINGS

11 Charles Fordjour,
12
13 petitioner/defendant,

14 VS.

16 Laurie Smith - Sheriff, Santa
17 Clara County; Allen McClain-
18 Sheriff - Kings County;
19 State of California;
20 Respondents/plaintiffs.

} CASE NO

} "DECLARATION IN SUPPORT FOR
RELEASE ON OWN RECOGNIZANCE
ON PETITION FOR WRIT OF
HABEAS CORPUS"

21
22
23 I, Charles Fordjour, declare:

24 (1) I am the petitioner in the above-entitled case or
25 matter and I have been continuously in custody since
26 the date of my arraignment.

27
28 (1)

EXHIBIT 3

- (2) Bail has been fixed in the sum of \$100,000.00 and on NO Bail Hold and I am unable to post such Bail.
- (3) That I have been a resident of the State of California for approximately thirty years.
- (4) That I have family in the Northern California, including children.
- (5) That my Release is urgent due to family Hardship.
- (6) That I am innocent and I am entitled to effective defense and Redress.
- (7) That when released on Own Recognizance or on reasonable bond I will comply with conditions as ordered by the court.
- (8) That I have been on bail and/or O.R. Release on other occasions in the past and to my collection have never willfully failed to appear except where I was ill or in custody.
- (9) That I have been subjected to serious imminent danger to my life including High Stress Levels and Depression including High Blood pressure which requires Medical Attention.
- (10) That my Release is urgent due to Hardship to my family and children.

(11) That I have an active and on-going relationship with each of my children. That I am, and continue to be, actively involved in their educational - Activities, and family activities via communication.

(12) That I do not require to be in custody to attend any court proceedings, and that As a matter of Law, I am entitled to Release on my own Recognizance and/or a Reasonable Bond.

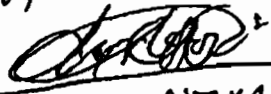
(13) I declare that I am indigent and I am unable to post Bail except Release on my own Recognizance.

(14) That I can also be considered for other Reasonable Bail installment upon Release or other Release programs such as Third party Release and so forth, or condition of bail in a Limited time frame, or Temporary Status, to allow - petitioner to petition the Court to Lift any Condition of Bail, in due course.

(15) That I am not a flight risk of any kind and have appeared before the court on approximately three occasions in the related case court proceedings.

For the foregoing Reasons, I declare that the following statements are true and correct to the best of my knowledge and believe under the laws of State of California.

Dated: January 31, 2008

By: 
CHARLES FORDOUR - Petitioner

CERTIFICATE OF SERVICE:

Copy of the foregoing "petition for Writ of Habeas Corpus" and "Declaration in Support of O.R. Release and Writ" were mailed via United States Postal Service, postage prepaid on January 31, 2008 pursuant to FRAP 25(a), Mailbox Rule, and 28 U.S.C. § 1746 as follows:

(1) Attn: To Id H. Berton, Clerk
The Clerk of the Court
Superior Court of California
County of Kings
Hanford Division
1426 South Drive
Hanford, CA 93230
(559) 582-1010

By: 

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Sacramento Clerk's Office
501 "I" Street , Suite 4-200
Sacramento, CA 95814
916-930-4000

Fresno Clerk's Office
2500 Tulare Street , Suite 1501
Fresno, CA 93721
559-499-5600

June 10, 2008

Case Number: 1:08-CV-00731-AWI-TAG

Case Title: CHARLES FORDJOUR, vs. ROBERT MUELLER III, ET AL.,

Dear Litigant,

You are hereby notified that the above case number has been assigned to your action. You are to include it on all correspondence (e.g., letters, filings, and inquiries) sent to the court. Failure to do so results in delayed processing of your documents.

All matters in this action shall be sent to the following address until further notice:

Office of the Clerk
United States District Court
Eastern District of California
2500 Tulare Street , Suite 1501
Fresno, CA 93721

For timely processing of your filings or correspondence, please comply with our Local Rules of Court, in particular:

Local Rule 5-133 (modified) You are not required to send this court an original plus one copy of all documents submitted for filing (e.g., pleadings, motions, correspondence, etc.). You are only required to send this court the original for filing. No extra copies are required. However, if you desire to receive a conformed copy for your records, you must send the original plus one (1) copy and a pre-addressed postage-paid envelope for us to return your copy to you.

Local Rules 30-250, 33-250, 34-250 and 36-250 Discovery requests or responses should not be submitted to the court unless they are relevant and necessary to support or oppose a motion at issue before the court.

Local Rule 5-135 Once the defendant(s) have served a responsive pleading, you are under an ongoing duty to serve them with copies of all documents you submitted to the court. A proof of service shall be attached to the original of any document lodged or filed with the court, showing the date, manner and place of service. A sample proof of service is attached.

Local Rule 7-130 (modified) Documents submitted to this court may be either typewritten or handwritten but must be legible, and writing shall be on one (1) side of the page only.

Local Rule 7-132 Every document submitted to the court must include your name, address and prisoner identification number in the upper left hand corner of the first page.

Local Rules 83-182 Each party appearing in propria persona is under a continuing duty to notify the Clerk and all other parties of any change of address by filing separate notice; absent such notice, service at prior address shall be fully effective. A sample Notice of Change of Address form is attached.

Other Provisions:

A complete copy of the Local Rules should be available in the prison library. We do not provide individual copies to litigants.

Request for Case Status The court will notify you as soon as any action is taken in your case. Due to the large number of civil actions pending before the court, **THE CLERK IS UNABLE TO RESPOND IN WRITING TO INDIVIDUAL INQUIRES REGARDING THE STATUS OF YOUR CASE.** As long as you keep the court apprised of your current address, you will receive all court decisions which might affect the status of your case.

Copy Work The Clerk's Office does not provide copies of documents to parties. Copies of documents may be obtained from the Attorney's Diversified Service (ADS) by writing to them at: 741 N. Fulton Street, Fresno CA 93728, or by phoning 800-842-2695. The court will provide copies of docket sheets at \$0.50 per page. Note: In Forma Pauperis status does not include the cost of copies.

Proposed Orders Parties are not required to submit a proposed order when filing a motion. If a proposed order is submitted, the court may disregard the order and prepare its own order.

As noted, the requirements set forth in Local Rule 5-135 and 7-130 have been modified in this letter. These modifications apply to civil rights and habeas cases filed in the Fresno Division of the Eastern District of California by prisoners proceeding pro se (without counsel).

Victoria C. Minor
Clerk of Court
United States District Court

by: /s/ C. Esteves

Deputy Clerk

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

v.

Case Number: _____

PROOF OF SERVICE

I hereby certify that on _____, I served a copy
of the attached _____,

by placing a copy in a postage paid envelope addressed to the person(s) hereinafter
listed, by depositing said envelope in the United States Mail at

_____:

(List Name and Address of Each
Defendant or Attorney Served)

I declare under penalty of perjury that the foregoing is true and correct.

(Signature of Person Completing Service)

Name: _____

I.D. #: _____

Address _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

(Plaintiff/Petitioner)

v.

Case Number: _____

(Defendant(s)/Respondent)

**NOTICE OF CHANGE
OF ADDRESS**

_____/

PLEASE TAKE NOTICE THAT (print name) _____

hereby submits a notice of change of address in the above – entitled case as follows:

OLD ADDRESS: _____

NEW ADDRESS: _____

DATED: _____

Signature of Plaintiff/Petitioner

**YOU MUST FILE AN ORIGINAL CHANGE OF ADDRESS
FORM IN EACH OF YOUR OPEN CASES**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES FORDJOUR,

Plaintiff(s)/Petitioner(s),

Case No. 1:08-CV-00731-AWI-TAG

vs.

ORDER RE CONSENT
OR REQUEST FOR REASSIGNMENT

ROBERT MUELLER III, ET AL.,

Defendant(s)/Respondents(s).

This case was randomly assigned to Magistrate Judge Theresa A. Goldner. Without the written consent of the parties presently appearing pursuant to 28 U.S.C Sec. 636(c), a magistrate judge cannot conduct all proceedings and enter judgment in this case with direct review by the Ninth Circuit Court of Appeals, in the event an appeal is filed. If a party declines to consent and the case is assigned to a district judge, the assigned magistrate judge shall continue to perform all duties as required by Eastern District Local Rule 72-302.

Accordingly, within 30 days, the parties shall complete and return this form to the court.

IT IS SO ORDERED.

Dated: 6/10/08/s/ - Theresa A. Goldner

United States Magistrate Judge

IMPORTANT: You must check and sign only one section of this form and return it to the Clerk's Office within 30 days. The complaint/petition will not be reviewed by the court until plaintiff/petitioner has signed and returned this form. Note: This form must be completed and returned regardless of the choice exercised by any other party.

**CONSENT TO JURISDICTION OF UNITED STATES MAGISTRATE JUDGE**

The undersigned hereby voluntarily consents to have a United States Magistrate Judge conduct all further proceedings in this case.

Date: _____

Signature: _____

Print Name: _____

() Plaintiff/Petitioner () Defendant/Respondent () Counsel for *

**DECLINE OF JURISDICTION OF UNITED STATES MAGISTRATE JUDGE AND
REQUEST FOR REASSIGNMENT TO UNITED STATES DISTRICT JUDGE**

The undersigned declines to consent to the United States Magistrate Judge assigned to this case and requests random assignment to a United States District Judge.

Date: _____

Signature: _____

Print Name: _____

() Plaintiff/Petitioner () Defendant/Respondent () Counsel for *

*If counsel of record, list name of each party responding: _____

CLOSED, E-Filing, HABEAS, ProSe

U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:07-cv-03044-MMC
Internal Use Only

Fordjour v. Ayers et al
Assigned to: Hon. Maxine M. Chesney
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 06/12/2007
Date Terminated: 06/20/2007
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Petitioner

Charles Fordjour

represented by Charles Fordjour
San Quentin State Prison
V28028
100 Mail Street
San Quentin, CA 94964
PRO SE

V.

Respondent

Warden Robert L. Ayers

Respondent

Board of Prison Hearings
(BPH)

Respondent

State of California

Date Filed	#	Docket Text
06/12/2007	1	PETITION for Writ of Habeas Corpus (No Process): (IFP Pending). Filed byCharles Fordjour. (aaa, Court Staff) (Filed on 6/12/2007) Modified on 7/5/2007 (aaa, Court Staff). Fee Paid on 07/03/07 (Entered: 06/13/2007)
06/12/2007	2	MOTION for Leave to Proceed in forma pauperis filed by Charles Fordjour. (aaa, Court Staff) (Filed on 6/12/2007) (Entered: 06/13/2007)
06/12/2007	3	Letter from Clerk requesting a signed and completed IFP application or filing fee of \$5.00. (aaa, Court Staff) (Filed on 6/12/2007) (Entered: 06/13/2007)
06/12/2007		CASE DESIGNATED for Electronic Filing. (aaa, Court Staff) (Filed on 6/12/2007) (Entered: 06/13/2007)
06/20/2007	4	ORDER OF DISMISSAL; GRANTING LEAVE TO PROCEED IN FORMA PAUPERIS. Signed by Judge Maxine M. Chesney on June 20, 2007. (mmcsec, COURT STAFF) (Filed on 6/20/2007) (Entered: 06/20/2007)
06/20/2007	5	JUDGMENT: DECISION BY COURT in favor of Respondent(s) against Petitioner(s). IT IS

		SO ORDERED AND ADJUDGED the instant petition for a writ of habeas corpus is hereby DISMISSED, without prejudice to petitioner's refiling his claims after all state court post-conviction challenges to petitioner's conviction have been completed and all claims petitioner wishes to raise in federal court have been exhausted in accordance with 28 U.S.C. 2254(b)-(c). (aaa, Court Staff) (Filed on 6/20/2007) (Entered: 06/22/2007)
07/03/2007		Filing fee: \$ 5.00, receipt number 34611007941. (aaa, Court Staff) (Filed on 7/3/2007) (Entered: 07/05/2007)
07/06/2007	6	Prisoner Trust Fund Account Statement by Charles Fordjour. (aaa, Court Staff) (Filed on 7/6/2007) (Entered: 07/10/2007)

Pro Se "Three Strikes" Database

Home Litigants My Profile Reports FAQ Documentation Log off

Welcome, Lorela

Litigant Information

Edit Litigant Info




Add Case/s for Litigant

Litigant Information ☒ Three Strikes

Name: Fordjour, Charles AKAs:
Date of Birth: Prison IDs:
Notes:

Last Updated: 03/26/2007 Last Updated By: Jodie Brown (602) 322-7280

Three Strike Orders appear in Red

1					
Case Number	Jurisdiction	Name	Three Strikes Order	Dismissal Reasons	Dismissal Date
 00-1684-PHX-ROS (JRI)	ARI	Fordjour v. Southwest Gas	<input type="checkbox"/>	FTSC	11/27/2000
 01-2323-PHX-ROS (JRI)	ARI	Fordjour v. Southwest Gas Corp.	<input type="checkbox"/>	FTSC	09/12/2002
 02-0838-PHX-ROS (JRI)	ARI	Fordjour v. USA	<input type="checkbox"/>	FTSC	03/03/2003
1					

Done



Gregory B. Walters, Circuit Executive - Office of the Circuit Executive
P.O. Box 193939 - San Francisco - CA 94119-3939

Name: CHARLES FORSTOUR
CDC No: 37666 - B6 B80
Address: Kings county Jail
P. O. BOX 1699
Hanford, CA 93230

FILED

MAY 27 2008

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY W DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

CHARLES FORSTOUR

CASE NUMBER: 08 CV 00731 AWI TAG HC

Plaintiff/Petitioner,

vs.

Robert Mueller, III - Dir. FBI
ET AL.

Defendants/Respondent.

APPLICATION TO PROCEED
IN FORMA PAUPERIS
BY A PRISONER

I, CHARLES FORSTOUR, declare that I am the plaintiff in the above-entitled proceeding; that, in support of my request to proceed without prepayment of fees under 28 U.S.C. section 1915, I declare that I am unable to pay the fees for these proceedings or give security therefor and that I am entitled to the relief sought in the complaint.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "no" DO NOT USE THIS FORM)
State the place of your incarceration. Kings County Jail
2. Are you currently employed (includes prison employment)? ☐ Yes ☒ No
 - a. If the answer is "yes" state the amount of your pay. N/A
 - b. If the answer is "no" state the date of your last employment, the amount of your take-home salary or wages and pay period, and the name and address of your last employer.
3. Have you received any money from the following sources over the last twelve months?
 - a. Business, profession, or other self-employment: ☐ Yes ☒ No
 - b. Rent payments, interest or dividends: ☐ Yes ☒ No

- c. Pensions, annuities or life insurance payments: ☐ Yes ☒ No
- d. Disability or workers compensation payments: ☐ Yes ☒ No
- e. Gifts or inheritances: ☐ Yes ☒ No
- f. Any other sources: ☐ Yes ☒ No

If the answer to any of the above is "yes," describe by that item each source of money. Also state the amount received and what you expect you will continue to receive (attach an additional sheet if necessary).

4. Do you have cash (includes balance of checking or savings accounts)? ☒ Yes ☐ No

If "yes" state the total amount: \$2.00 or less / unknown

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? ☐ Yes ☒ No

If "yes" describe the property and state its value: N/A

6. Do you have any other assets? ☐ Yes ☒ No

If "yes," list the asset(s) and state the value of each asset listed:

7. List all persons dependent on you for support, stating your relationship to each person listed and how much you contribute to their support. J, CJ, JP Fordjour dependents - Full support

IMPORTANT: This form must be dated and signed below in order for the court to consider your application.

I hereby authorize the agency having custody of me to collect from my trust account and forward to the Clerk of the United States District Court payments in accordance with 28 U.S.C. section 1915(b)(2).

May 19, 2008

DATE

Charles Fordjour - CHARLES FORDJOUR

SIGNATURE OF APPLICANT

PETITIONER IN PRO PER

NOTE: Within sixty days from the date of this application you must forward to the court a certified copy of your prison trust account statement showing transactions for the past six months.

(Revised 01/2008)

OFFICE OF THE CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO, CALIFORNIA 93721-1318
OFFICIAL BUSINESS

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JUN 19 2008
RICHARD W. WIEKING
CLERK US DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK
2500 Tulare Street
Fresno, CA 93721

FILED E-filing
JUL 01 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MMC

Clerk, USDC, Northern District of CA
450 Golden Gate Avenue
San Francisco, CA 94102

CV 08 3162

RE: CHARLES FORDJOUR vs. ROBERT MUELLER III
USDC No.: 1:08-CV-00731-AWI-TAG

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated June 17, 2008, transmitted herewith are the following documents.

Electronic Documents: 1 to 4.

Documents maintained electronically by the district court are accessible through PACER for the Eastern District of California at <https://ecf.caed.uscourts.gov>.

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Very truly yours,

June 17, 2008

/s/ C. Esteves

Deputy Clerk

RECEIVED BY:

Please Print Name

DATE RECEIVED:

NEW CASE
NUMBER:

I hereby attest and certify on 6-17-08
that the foregoing document is a full, true
and correct copy of the original on file in my
office and in my legal custody.

VICTORIA C. MINOR
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
By [Signature] Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES FORDJOUR,
Petitioner,

1:08-cv-00731-AWI-TAG

vs.

ORDER OF TRANSFER

ROBERT MUELLER, III, et al.,
Respondents.

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

In this case, the petitioner is challenging a conviction from Santa Clara County, which is in the Northern District of California. Therefore, the petition should have been filed in the United States District Court for the Northern District of California. In the interest of justice, a federal court may transfer a case filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

///

CLOSED, HABEAS

**U.S. District Court
Eastern District of California - Live System (Fresno)
CIVIL DOCKET FOR CASE #: 1:08-cv-00731-AWI-TAG
Internal Use Only**

(HC) Fordjour v. Mueller et al
Assigned to: Judge Anthony W. Ishii
Referred to: Magistrate Judge Theresa A. Goldner
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 05/27/2008
Date Terminated: 06/17/2008
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner

Charles Fordjour

represented by **Charles Fordjour**
37666
Kings County Jail
P.O. Box 1699
Hanford, CA 93230
PRO SE

V.

Respondent

Robert Mueller, III
Director of FBI

Respondent

Allan McClain
Kings County Sheriff

Respondent

John Miller
Assistant Director of FBI

Respondent

United States Department of Justice

Respondent

Federal Bureau of Investigation

Respondent

Fresno, FBI District Office and Agents

Respondent

U.S. Attorney Scott W. McGregor

Respondent

Jerry Brown
California Attorney General

Respondent

I hereby attest and certify on 6-17-08
that the foregoing document is a full, true
and correct copy of the original on file in my
office and in my legal custody.










VICTORIA C. MINOR
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

By *[Signature]* Deputy

Kings County Superior Court

Respondent

- Kings County District Attorney's Office

Date Filed	#	Docket Text
05/27/2008	 <u>1</u>	PETITION for WRIT of HABEAS CORPUS by Charles Fordjour.(Gil-Garcia, A) (Entered: 05/29/2008)
05/27/2008	 <u>2</u>	MOTION to PROCEED IN FORMA PAUPERIS by Charles Fordjour. (Gil-Garcia, A) (Entered: 05/29/2008)
06/10/2008	 <u>3</u>	PRISONER NEW CASE DOCUMENTS ISSUED; (Attachments: # <u>1</u> Consent Forms) (Esteves, C) (Entered: 06/10/2008)
06/10/2008		SERVICE BY MAIL: <u>3</u> Prisoner New Case Documents for AWI served on Charles Fordjour. (Esteves, C) (Entered: 06/10/2008)
06/10/2008		(Court only) SET DEADLINES: Consent due by 7/10/2008; Screening Deadline set for 7/28/2008. (Esteves, C) (Entered: 06/10/2008)
06/16/2008		(Court only) ***STAFF NOTES: Case screened; transfer order to Northern District submitted to TAG/ds. (Esteves, C) (Entered: 06/16/2008)
06/17/2008	 <u>4</u>	ORDER, CASE TRANSFERRED to District of Northern California signed by Magistrate Judge Theresa A. Goldner on 6/16/2008. Original file, certified copy of transfer order, and docket sheet sent. CASE CLOSED. (Esteves, C) (Entered: 06/17/2008)
06/17/2008		SERVICE BY MAIL: <u>4</u> Order served on Charles Fordjour. (Esteves, C) (Entered: 06/17/2008)
06/17/2008	 <u>5</u>	TRANSMITTAL of DOCUMENTS on *6/17/2008* to * Clerk, USDC, Northern District of CA* *450 Golden Gate Avenue* *San Francisco, CA 94102*. ** *Electronic Documents: 1 to 4. *. (Esteves, C) (Entered: 06/17/2008)